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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,226	02/24/2000	Jeffrey L. Huckins	INTL-0270-US-(P7593)	5664

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EXAMINER

HOYE, MICHAEL W

ART UNIT	PAPER NUMBER.
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2614

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/512,226

Applicant(s)

HUCKINS, JEFFREY L. *JD*

Examiner

Michael W. Hoye

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 10 March 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 3/10/03 have been fully considered but they are not persuasive.
2. Regarding the rejection of claims 10-13 under 35 USC § 101, the applicant argues that, "Claim 10 has a practical application as it produces a useful, concrete and tangible result." Regarding the article of claim 10, the applicant argues that the tangible result produced is, "the transmission of content and first and second announcements which include, respectively, connection information and content description."

In response, the examiner respectfully disagrees with the applicant. First, because there is no independent physical action performed. After the three steps or computer processes of transmitting content and first and second announcements, there is no post computer process activity. Second, there is no practical application achieved (a pre-computer process activity). Data is not manipulated to achieve a practical application. In claim 10, content and a first and second announcement are transmitted but there is no tangible result produced due to the transmission of data.

3. Regarding amended claim 1, the applicant argues that, "Arsenault does not teach a method in which a second announcement including a content description for content is transmitted *before any assignment of connection has been determined for said content.*"

Applicant further argues that, "Arsenault does not teach transmitting an announcement including content description until connection information is known." In addition, applicant

Application/Control Number: 09/512,226
Art Unit: 2614

argues that, "nowhere does Arsenault teach that such content information may be transmitted prior to any assignment of connection."

In response, the examiner respectfully disagrees with the applicant because the Arsenault et al reference clearly teaches that, "two or more input data streams contain...program or content material...such as advance schedules supplied by content providers," and that, "the map generator can respond automatically or in real-time to...input data streams." (see col. 14, lines 12-21 and 27-29) Arsenault specifically teaches receiving advanced schedules transmitted by content providers and then assigning connection information through channel mapping. Therefore, the claimed second announcement including a content description for content as met by the program or content material is transmitted before any assignment of connection has been determined for said content since the map generation is performed after the content information is processed.

4. Regarding amended claim 10, the applicant presents the same arguments as in claim 1.

In response, the examiner respectfully disagrees with the applicant because of the teachings of the Arsenault et al reference as described above for claim 1.

5. Regarding amended claim 26, the applicant argues that, "nowhere does Arsenault disclose a processor-based system comprising storage "to store a template for said first announcement, said template formed before said connection information is available.""

In response, the examiner respectfully disagrees with the applicant because the Arsenault et al reference clearly teaches, "a processor-based system comprising storage" as shown by data server/storage 75 in Fig. 3. The claimed, "to store a template (or place holder - as defined in the disclosure on pg. 11, lines 11-12 and pg. 15, line 11) for said first announcement (connection

Application/Control Number: 09/512,226
Art Unit: 2614

information),” is met by map information that is provided to the data server for storage (col. 17, lines 48-49), and the data server (which comprises the storage/place holder for map information provided) provides the necessary (connection/map) information at appropriate times (col. 17, lines 45-55) to the broadcast resources, which meets the claimed before said connection information is available.

6. Regarding the rejection of dependent claims 3, 4 and 12 under 35 USC § 103, the applicant argues that, “neither Arsenault nor Yoshinobu teach or suggest a method in which a second announcement including content description is transmitted before any assignment of connection has been determined for the content (as discussed above regarding claim 1).”

In response, the examiner respectfully disagrees with the applicant because of the teachings of the Arsenault et al reference as described above for claim 1 by the examiner.

7. Regarding the rejection of dependent claim 4, the applicant further argues that, “neither Yoshinobu nor Arsenault teaches or suggests linking each of two levels of granularity to connection information for the granularity.”

In response, the examiner respectfully disagrees with the applicant because each level of granularity for content description as disclosed in Yoshinobu is inherently linked to the same connection information for said level of granularity.

Claim Rejections - 35 USC § 101

8. Claims 10-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims set forth steps in a process which does not constitute statutory subject matter because the claim limitations do not either perform an independent physical act (that is, a post computer process activity), or manipulate data representing physical objects or activities to achieve a practical application (that is, a pre-computer process activity), and in fact merely manipulate an abstract idea without any limitation to a practical application.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-2, 5-11, 13 and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Arsenault et al (EP 0 828 390 A2).

Note the Arsenault et al reference, which discloses a method for a digital broadcast network for providing content description and connection information. The claimed step of transmitting content is met by the ground-based processing and uplink facility 10 as shown in Figure 1 and described in col. 12, line 30 – col. 13, line 8, where various content providers supply content to the processing and transmission facility 10 which includes the main processing equipment 15 for receiving program inputs and generating appropriate output signals 27 for transmission to the satellites 11 by means of an uplink antenna 16, in addition, alternative transmission and broadcasting methods, utilizing other space or ground-based media 13 such as cable, optical fiber, or various wireless systems may also be used. The claimed step of

Art Unit: 2614

transmitting a first announcement including connection information for said content is met by an allocation table or "map" 30, which identifies the broadcast resource which is to be utilized at a given time for transmission of a particular input data stream (see col. 13, line 36 – col. 14, line 11, also see Map Select ID 98 in Fig. 7). The claimed method of transmitting a second announcement including a content description for said content is met by input data streams 20, which may comprise video information, audio information, data services of various types (e.g. multimedia, database services, software delivery, e-mail, etc.), or other information which is desired for transmission to one or more users (e.g. subscribers) as shown in Figure 1 (see col. 13, lines 1-6, also see input 26 and program information 96 in Fig. 7). The claimed said second announcement transmitted before any assignment of connection has been determined is met by the Arsenault et al reference which clearly teaches that, "two or more input data streams contain...program or content material...such as advance schedules supplied by content providers," and that, "the map generator can respond automatically or in real-time to...input data streams." (see col. 14, lines 12-21 and 27-29) Arsenault specifically teaches receiving advanced schedules transmitted by content providers and then assigning connection information through channel mapping. Therefore, the claimed second announcement including a content description for content as met by the program or content material is transmitted before any assignment of connection has been determined for said content since the map generation is performed after the content information is processed.

As to claim 2, the claimed method of claim 1 including the step of transmitting said first announcement after transmitting the second announcement is met by content and/or schedule

Art Unit: 2614

information which must be supplied in advance of the connection information (see col. 14, lines 12-21).

As to claim 5, the claimed method of claim 1 further including the step of providing a service identifier with said second announcement to link with said first announcement is met by the program stream including appropriate identifiers with upcoming program content of the various service providers, as well as map service identifiers 98 which link the description to the connection (see Figure 7 & col. 25, lines 20-29, and line 42 – col. 26, line 2).

As to claim 6, the claimed method of claim 5 including the step of specifying the location of service in said connection information is met by the data stream containing information to the appropriate source and its location (see col. 19, lines 31-36).

As to claim 7, the claimed method of claim 6 further including the step of transmitting ancillary information with said content is met by the data streams comprising video information, audio information, data services of various types, or other information as described in col. 13, lines 1-8.

As to claim 8, the claimed method of claim 2 further including the step of providing an identifier to link said first and second announcements is met by the program identifier in 96 of Fig. 7 and Map Select ID 98 (col. 25, line 18 – col. 26 line 2).

As to claim 9, the claimed method of claim 1 wherein the step of transmitting said connection information includes transmitting a data program guide is met by Fig. 7 where the control packets periodically include information 94 concerning upcoming program content of the various service providers, such as program guide (PG) information (see col. 25, lines 26-40).

As to claim 10, the claim is analyzed with respect to claim 1.

Application/Control Number: 09/512,226

Art Unit: 2614

As to claim 11, the claim is analyzed with respect to claim 2.

As to claim 13, the claim is analyzed with respect to claim 8.

As to claim 26, the claimed processor is met by processor 15 as shown in Figure 1 (see col. 13, lines 36-50). The claimed transmitter coupled to said processor to transmit a first and second announcement and video content is met by uplink antenna 16 as shown in Figure 1 which transmits the first and second announcements and video content (see col. 12, line 43 – col. 13, line 12). The claimed first announcement including connection information for said content is met by an allocation table or "map" 30, which identifies the broadcast resource which is to be utilized at a given time for transmission of a particular input data stream (see col. 13, line 36 – col. 14, line 11, also see Map Select ID 98 in Fig. 7), and said second announcement including a content description for said content is met by input data streams 20, which may comprise video information, audio information, data services of various types (e.g. multimedia, database services, software delivery, e-mail, etc.), or other information which is desired for transmission to one or more users (e.g. subscribers) as shown in Figure 1 (see col. 13, lines 1-6, also see input 26 and program information 96 in Fig. 7). The Arsenault et al reference clearly teaches, "a processor-based system comprising storage" as shown by data server/storage 75 in Fig. 3. The claimed, "to store a template (or place holder - as defined in the disclosure on pg. 11, lines 11-12 and pg. 15, line 11) for said first announcement (connection information)," is met by map information that is provided to the data server for storage (col. 17, lines 48-49), and the data server (which comprises the storage/place holder for map information provided) provides the necessary (connection/map) information at appropriate times (col. 17, lines 45-55) to the broadcast resources, which meets the claimed before said connection information is available.

As to claim 27, the claimed system of claim 26 wherein said transmitter transmits an identifier that may be used to link said first and second announcements is met by the program identifier in 96 of Fig. 7 and Map Select ID 98 (col. 25, line 18 – col. 26 line 2).

As to claim 28, the claimed system of claim 26 wherein said transmitter transmits said second announcement before said first announcement is met by content and/or schedule information which must be supplied in advance of the connection information (see col. 14, lines 12-21).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3, 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arsenault et al, in view of Yoshinobu et al (USPN 5,686,954), cited by the examiner.

As to claim 3, the Arsenault et al reference discloses the method of claim 2 including the step of arranging said content with more than one component or item as shown in Figures 4 and 7. However, the Arsenault et al reference does not explicitly disclose arranging said content description with at least two levels of granularity or detail. The Yoshinobu et al reference discloses a program information broadcasting method that teaches arranging said content description with at least two levels of granularity, such as a group hierarchy, as shown in Figures 2-4, where the program schedule data contains information on multiple channels, the channels

Art Unit: 2614

(CHn) contain groups of program information (PG), each program information group has a program ID 51, which contains multiple item IDs 56 (see col. 10, line 25 – col. 11, line 58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Arsenault et al such that it arranges said content description with at least two levels of granularity as taught by Yoshinobu et al. One of ordinary skill in the art would have been lead to make such a modification since it is well known to arrange content descriptions with multiple levels of detail for use in an electronic program guide (EPG).

As to claim 4, the Yoshinobu et al reference as combined with the Arsenault et al reference above further discloses the claimed step of including linking each of said granularity levels to connection information for said granularity as met by at least one kind of items of the program sub information SB is identical with one of the kind of item 55 of the main program information, which serves as a link (see Figures 1C & 2, and col. 11, line 53 – col. 12, line 2). Each level of granularity for content description as disclosed in Yoshinobu is inherently linked to the same connection information for said level of granularity.

As to claim 12, the Arsenault et al reference discloses the article of claim 11 further storing instructions that cause a processor based system to arrange said content with more than one component or item as shown in the content 96 of Figure 7. However, the Arsenault et al reference does not explicitly disclose to arrange said content description with at least two levels of regularity. Yoshinobu et al discloses the claimed system to arrange said content description with at least two levels of regularity, such as a group hierarchy, as shown in Figures 2-4, where the program schedule data or “content description” contains information on multiple channels, the channels (CHn) contain groups of program information (PG), each program information

Application/Control Number: 09/512,226

Art Unit: 2614

group has a program ID 51, which contains multiple item IDs 56 (see col. 10, line 25 – col. 11, line 58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the article for storing instructions of Arsenault et al such that it arranges said content description with at least two levels of regularity as taught by Yoshinobu et al. One of ordinary skill in the art would have been lead to make such a modification since it is well known to arrange content descriptions with multiple levels of detail for use in an electronic program guide (EPG).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2614

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is (703) 305-6954. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231


or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Michael W. Hoye
May 15, 2003


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600